# Criterion C Eligibility Form

**Instructions:**

In order to be eligible for coverage under criterion C, you must complete the following form and you must submit it to EPA following the instructions in Section VII a **minimum of 30 days prior to filing your NOI for permit coverage.** After you submit your form, you may be contacted by EPA with additional measures (e.g., additional stormwater controls or modifications to your discharge-related activities) that you must implement in order to ensure your eligibility under criterion C.

If after completing this worksheet you cannot make a determination that your discharges and discharge-related activities are not likely to adversely affect listed threatened or endangered species or designated critical habitat, you must submit this completed worksheet to EPA, and you may not file your NOI for permit coverage until you receive a determination from EPA that your discharges and/or discharge-related activities are not likely to adversely affect listed species and critical habitat.

**Note:** Much of the information needed for this form can be obtained from your draft SWPPP which will be needed when you file your NOI.

## SECTION I. OPERATOR, FACILITY, AND SITE LOCATION INFORMATION.

1) **Operator Information**

   a) **Operator Name:** Endomines Idaho, LLC

   b) **Point of Contact**

   **First Name:** Zachary **Last Name:** Black

   **Phone Number:** (406) 624-6733

   **E-mail:** zachary.black@endomines.com

2) **Facility Information**

   a) **Facility Name:** Orogrande Processing Facility

   b) **Check which of the following applies:**

   ☒ I am seeking coverage under the MSGP as a new discharger or as a new source

   ☐ I am seeking coverage under the MSGP as an existing discharger and my facility has modifications to its discharge characteristics (e.g., changes in discharge flow or area drained, different pollutants) and/or discharge-related activities (e.g., stormwater controls)

   Indicate the number of years the facility has been in operation: _____ years

   Provide your NPDES ID (i.e., permit tracking number) from your previous MSGP coverage: _____

   ☐ I am seeking coverage under the MSGP as an existing discharger and there are no modifications to my facility.

   Indicate the number of year the facility has been in operation: _____ years

   Provide your NPDES ID (i.e., permit tracking number) from your previous MSGP coverage: _____

**c) Facility Address:**

**Address 1:** SW ¼, S36, T29N, R8E

**Address 2:** _____

**City:** Elk City **State:** ID **Zip Code:** 83525

**d) Identify the primary industrial sector to be covered under the 2015 MSGP:**

SIC Code 1041 or Primary Activity Code _____

Sector G and Subsector G2

**e) Identify the sectors of any co-located activities to be covered under the 201r MSGP:**

Sector _____ Subsector _____

Sector _____ Subsector _____

Sector _____ Subsector _____

Sector _____ Subsector _____

Sector _____ Subsector _____

Sector _____ Subsector _____

**f) Estimated area of industrial activity exposed to stormwater:** 4.2 **acres**

**g) Provide a general description of the industrial activities that are taking place at this facility:**

The process facility is a conventional flotation mill that will generate a gold concentrate to be shipped off-site for final treatment. The facility will consist of crushing, grinding, and flotation circuits. Tailings will be disposed of on-site via a dry stack tailings disposal method.

**3) Receiving Waters Information**

| **List all the stormwater outfalls from your facility.** | | | | **For each outfall, provide the following receiving water information:** | |
|---|---|---|---|---|---|
| **Outfall ID** | **Design Capacity (if known)** | **Latitude (decimal degrees)** | **Longitude (decimal degrees)** | **Name of the receiving water that receives stormwater from the outfall and/or from the MS4 that the outfall discharges to** | **Type of Waterbody (e.g., lake, pond, river/stream/creek, estuarine/marine water)** |
| 001 | | 45.8044 | 115.4126 | Red River | River |
| 002 | | 45.8066 | 115.4157 | unnamed | intermittent/ephemeral stream |
| | | ___.____ | ___.____ | | |
| | | ___.____ | ___.____ | | |
| | | ___.____ | ___.____ | | |

## SECTION II. ACTION AREA

Ensure that your action area is described in Attachment 1, as required in Step 2.

## SECTION III. LISTED SPECIES AND CRITICAL HABITAT LIST

Ensure that the listed species and critical habitat list is included in Attachment 2, as required in Step 3.

Review your species list in Attachment 2, choose one of the following three statements, and follow the corresponding instructions:

☐ The species list includes only terrestrial species and/or their designated critical habitat. No aquatic or aquatic-dependent species or their critical habitat are present in the action area. **You may skip to Section IV of this form. You are not required to fill out Section V.**

> ***Note:*** For the purposes of this permit, "terrestrial species" would not include animal or plant species that 1) spends any portion of its life cycle in a waterbody or wetland, or 2) if an animal, depends on prey or habitat that occurs in a waterbody or wetland. For example, shorebirds, wading birds, amphibians, and certain reptiles would not be considered terrestrial species under this definition. Please also be aware that some terrestrial animals (e.g., certain insects, amphibians) may have an aquatic egg or larval/juvenile phase.

☐ The species list includes only aquatic and/or aquatic-dependent species and/or their designated critical habitat. No terrestrial species or their critical habitat are present in the action area. **You may skip to Section V of this form and are not required to fill out Section IV.**

☒ The species list includes both terrestrial and aquatic or aquatic-dependent species and/or their designated critical habitat. **You must fill out both Sections IV and V of this form.**

## SECTION IV. EVALUATION OF DISCHARGE-RELATED ACTIVITIES EFFECTS

*Note: You are only required to fill out this section if your facility's action area contains terrestrial species and/or their designated critical habitat. If your action area only contains aquatic and/or aquatic-dependent species and/or their designated critical habitat, you can skip directly to Section V.*

Most of the potential effects related to coverage under the MSGP are assumed to occur to aquatic and/or aquatic-dependent species. However, in some cases, potential effects to terrestrial species and/or their critical habitat should be considered as well from any discharge-related activities that occur during coverage under the MSGP. Examples of discharge-related activities that could have potential effects on listed terrestrial species or their critical habitat include the storage of materials and land disturbances associated with stormwater management-related activities (e.g., the installation or placement of stormwater control measures).

**A. Select the applicable statement(s) below and follow the corresponding instructions:**

☐ There are no discharge-related activities that are planned to occur during my coverage under the MSGP. You can conclude that your discharge-related activities will have no likely adverse effects, and:

- If there are any aquatic or aquatic-dependent species and/or their critical habitat in your action area, you must skip to Section V, *Evaluation of Discharge Effects*, below.
- If there are no aquatic or aquatic-dependent species you may skip to Section VI and verify that your activities will have no likely adverse effects. You must submit this form to EPA as specified in Section VII of this form. You may select criterion C on your NOI form and may submit your NOI for permit coverage 30 days after you have submitted this *Criterion C Eligibility Form*. You must also provide a description of the basis for the criterion you selected on your NOI form, **including the species and critical habitat list(s) in your action area**, as well as any other documentation supporting your eligibility. You must also include this completed *Criterion C Eligiblity Form* in your SWPPP.

☒ There are discharge-related activities planned as part of the proposal. Describe your discharge-related activities in the following box and continue to (b) below.

*Describe discharge-related activities:*

See Attachment A.

**B. In order to ensure any discharge-related activities will have no likely adverse effects on listed species and/or their designated critical habitat, you must certify that all the following are true:**

☒ Discharge-related activities will occur:

- on previously cleared/developed areas of the site where maintenance and operation of the facility are currently occurring or where existing conditions of the area(s) in which the discharge-related activities will occur precludes its use by listed species (e.g., work on existing impervious surfaces, work occurring inside buildings, area is not used by species), and
- if discharge-related activities will include the establishment of structures (including, but not limited to, infiltration ponds and other controls) or any related disturbances, these structures and/or disturbances will be sited in areas that will not result in isolation or degradation of nesting, breeding, or foraging habitat or other habitat functions for listed animal species (or their designated critical habitat), and will avoid the destruction of native vegetation (including listed plant species).

☒ If vegetation removal (e.g., brush clearing) or other similar activities will occur, no terrestrial listed species that use these areas for habitat would be expected to be present during vegetation removal.

**If all the above are true, you can conclude that your discharge-related activities will have no likely adverse effects, and:**

- If there are any aquatic or aquatic-dependent species and/or critical habitat in your action area, you must skip to Section V, ***Evaluation of Discharge Effects***, below.
- If there are no aquatic or aquatic-dependent species you may skip to Section VI and verify that your activities will have no likely adverse effects. You must submit this form to EPA as specified in Section VII of this form. You may select criterion C on your NOI and may submit your NOI for permit coverage 30 days after you have submitted this completed form. You must also provide a description of the basis for the criterion you selected on your NOI form, **including the species and critical habitat list(s)**, and any other documentation supporting your eligibility. You must also include this completed *Criterion C Eligibility Form* in your SWPPP.
- **If any of the above are not true**, you cannot conclude that your discharge-related activities will have no likely adverse effects. You must complete the rest of this form (if applicable), and must submit the form to EPA for assistance in determining your eligibility for coverage.

## SECTION V. EVALUATION OF DISCHARGE EFFECTS

***Note:*** *You are only required to fill out this section if your facility's action area includes aquatic and/or aquatic-dependent species and/or their critical habitat.*

In this section, you will evaluate the likelihood of adverse effects from your facility's discharges. The scope of effects to consider will vary with each facility and species/critical habitat characteristics. The following are examples of discharge effects you should consider:

- *Hydrological Effects.* Stormwater discharges may adversely affect receiving waters from pollutant parameters such as turbidity, temperature, salinity, or pH. These effects will vary with the amount of stormwater discharged and the volume and condition of the receiving water. Where a stormwater discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely.
- *Toxicity of Pollutants.* Pollutants in stormwater may have toxic effects on listed species and may adversely affect critical habitat. Exceedances of benchmarks, effluent limitation guidelines, or state or tribal water quality requirements may be indicative of potential adverse effects on listed species or critical habitat. However, some listed species may be adversely affected at pollutant concentrations below benchmarks, effluent limitation guidelines, and state or tribal water quality standards. In addition, stormwater pollutants identified in Part 5.2.3.2 of your SWPPP, but not monitored as benchmarks or effluent limitation guidelines, may also adversely affect listed species and critical habitat.

As these effects are difficult to analyze for listed species, their prey, habitat, and designated critical habitat, this form helps you to analyze your discharges and make a determination of whether your discharges will have likely adverse effects and whether there are any additional controls you can implement to ensure no likely adverse effects.

**A. Evaluation of Pollutants and Controls to Avoid Adverse Effects.** In this section, you must document all of your pollutant sources and pollutants expected to be discharged in stormwater. You must also document the controls you will implement to avoid adverse effects on listed aquatic and aquatic-dependent species. You must include specific details about the expected effectiveness of the controls in avoiding adverse effects to the listed aquatic-and aquatic-dependent species. Attach additional pages if needed.

| Potential Pollutant Source | Potential Pollutants | **Controls to Avoid Adverse Effects on Listed Aquatic and Aquatic-Dependent Species.** Include information supporting why the control(s) will ensure no adverse effects, including any data you have about the effectiveness of the control(s) in reducing pollutant concentrations. You may also attach photos of your controls to this form. |
|---|---|---|
| ***e.g.*, vehicle and equipment fueling** | ***e.g.,***<br>• **Oil & grease**<br>• **Diesel**<br>• **Gasoline**<br>• **TSS**<br>• **Antifreeze** | ***e.g.,***<br>• **Fueling operators (including the transfer of fuel from tank trucks) will be conducted on an impervious or contained pad or under cover**<br>• **Drip pans will be used where leaks or spills of fuel can occur and where making and breaking hose connections**<br>• **Spill kit will be kept on-site in close proximity to potential spill areas**<br>• **Any spills will be cleaned-up immediately using dry clean up methods**<br>• **Stormwater runoff will be diverted around fueling areas using diversion dikes and curbing** |

| Potential Pollutant Source | Potential Pollutants | Controls to Avoid Adverse Effects on Listed Aquatic and Aquatic-Dependent Species. |
|---|---|---|
| Ground disturbance/site preparation | - Sedimentation/ Total Suspended Solids (TSS) | - Erosion and sediment control BMPs (vegetative buffers, silt fence, straw bales, slash piles, erosion control matting, re-vegetation).<br>- Run-off control BMPs (berms, ditches, swales) |
| Vehicle/Equipment fueling and maintenance | - Oil and grease<br>- Diesel fuel<br>- Gasoline<br>- Antifreeze | - Highway vehicles will primarily be fueled off-site<br>- Storage tanks will be double-walled and kept within secondary containment structures<br>- Spill kits will be available on-site and spills will be cleaned up promptly<br>- Vehicle/equipment leaks will be promptly identified and repaired<br>-Employee training |
| | | - Spill response plans will be prepared and will be available on site<br>- Drip pans will be available on-site<br>- General good housekeeping/materials management practices will be employed<br>- Divert stormwater around fueling/maintenance areas<br>- Major maintenance (parts replacement, oil changes) will be completed off-site |
| Ore stockpile | - TSS<br>- Total dissolved solids (TDS)<br>- Heavy metals<br>- pH | - Minimize exposure of the stockpile to precipitation by temporarily covering during predicted/anticipated storm events<br>- Limit the amount of material stored at one time and the duration the material is stored<br>- Divert stormwater around the stockpile area<br>- The stockpile will be located away from surface waters<br>- Stormwater which contacts the ore stockpile will be diverted to storage ponds to be used as process plant make-up water |
| Flotation circuit | - TSS<br>- TDS<br>- Heavy metals<br>- pH<br>- Acids<br>- Chemical reagents | - The flotation circuit will be located indoors and will not be exposed to precipitation<br>- General good housekeeping/materials management practices will be employed<br>- Spill response plans and spill kits will be kept on-site<br>- Employee training |

| Potential Pollutant Source | Potential Pollutants | Controls to Avoid Adverse Effects on Listed Aquatic and Aquatic-Dependent Species. |
|---|---|---|
| Dry tailings facility (DTF) | - TSS<br>- TDS<br>- Heavy Metals<br>- pH | - Water from the tailings disposal area (precipitation, seasonal run-off, and/or entrained water) will be diverted to storage ponds to be recirculated into the process circuit<br>- The DTF will be located away from surface waters<br>- Divert non-contact stormwater around the DTF |
| Crusher Circuit | - TSS<br>- TDS<br>- Heavy Metals<br>- Dust | - The crusher circuit will be located away from surface waters<br>- Stormwater which contacts the process area will be diverted to on-site storage ponds to be recirculated into the process circuit<br>- Divert non-contact stormwater around the process area<br>- Dust-control measures will be utilized |
| | | |
| | | |

☐ Check if you are not able to make a preliminary determination that any of your pollutants will be controlled to a level necessary to avoid adverse effects on aquatic and/or aquatic-dependent listed species and their designated critical habitat. You must check in Section VI that you are unable to make a determination of no likely adverse effects, and must complete the rest of the form. You must submit your completed form to EPA for assistance in determining your eligibility for coverage.

**B. Analysis of Effects Based on Past Monitoring Data.** Select which of the following applies to your facility:

☐ I have no previous monitoring data for my facility because there are no applicable monitoring requirements for my facility's sector(s).

☒ I have no previous monitoring data for my facility because I am a new discharger or a new source, but I am subject to monitoring under the 2015 MSGP. You must provide information to support a conclusion that your facility's discharges are not expected to result in benchmark or numeric effluent limit exceedances that will adversely affect listed species or their critical habitat:

See Attachment A.

☐ My facility has not had any exceedances under the 2008 MSGP of any required benchmark(s) or numeric effluent limits.

☐ My facility has had exceedances of one or more benchmark(s) or numeric effluent limits under the 2008 MSGP, but I have addressed them during my coverage under the 2008 MSGP, or in my evaluation of controls to avoid adverse effects in (A) above. Describe all actions (including specific controls) that you will implement to ensure that the pollutants in your discharge(s) will not result in likely adverse effects from future exceedances.

☐ Check if your facility has had exceedances of one or more benchmarks or numeric effluent limits under the 2008 MSGP and you have not been able to address them to avoid adverse effects from future exceedances, or if you are a new discharger or a new source but you are not sure if you can avoid adverse effects from possible exceedances. You must check in Section VI that you are unable to make a determination of no likely adverse effects. You must submit your completed form to EPA for assistance in determining your eligibility for coverage. You may not file your NOI for permit coverage until you are able to make a determination that your discharges will avoid adverse effects on listed species and designated critical habitat.

## SECTION VI VERIFICATION OF PRELIMINARY EFFECTS DETERMINATION

Based on Steps I – V of this form, you must verify your preliminary determination of effects on listed species and designated critical habitat from your discharges and/or discharge-related activities :

☒ Following the applicable Steps in I – V above, I have made a preliminary determination that my discharges and/or discharge-related activities are not likely to adversely affect listed species and designated critical habitats.

☐ Following the applicable Steps in I – V above, I am **not** able to make a preliminary determination that my discharges and/or discharge-related activities are not likely to adversely affect listed species and designated critical habitats.

### Certification Information

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

First Name, Middle Initial, Last Name: Zachary J Black

Title: Vice President

Signature:  Date: 05/24/2018

E-mail: zachary.black@endominies.com

## SECTION VII CRITERION C ELIGIBILITY FORM SUBMISSION INSTRUCTIONS

You must submit this completed form to EPA at msgpesa@epa.gov, including any attachments and any additional information that demonstrates how you will avoid or eliminate adverse effects to listed species or critical habitat (e.g., specific controls you will implement to avoid or eliminate adverse effects). **Any missing or incomplete information may result in a delay of your coverage under the permit**.

If you have made a preliminary determination that your discharges and/or discharge-related activities are not likely to adversely affect listed species and critical habitat, this form must be submitted a minimum of 30 days prior to submitting your NOI for permit coverage under criterion C. Please note that during either the 30-day *Criterion C Eligibility Form* review period prior to your NOI submission, or within 30 days after your NOI submission and before you have been authorized for permit coverage, EPA may advise you that additional information is needed, or that there are additional measures you must implement to avoid likely adverse effects.

If you are unable to make a preliminary determination that your discharges and/or discharge-related activities are not likely to adversely affect listed species and critical habitat, this worksheet must be submitted to EPA, but you may not file your NOI for permit coverage until you have received a determination from EPA that your discharges and/or discharge-related activities are not likely to adversely affect listed species and critical habitat.

## Attachment 1

Include a map **and a written description** of the action area of your facility, as required in Step 2. You may choose to include the map that is generated from the FWS' on-line mapping tool IPaC (the *Information, Planning, and Consultation System*) located at http://ecos.fws.gov/ipac/.

The written description of your action area that accompanies your action area map must explain your rationale for the extant of the action area drawn on your map. For example, your action area written description may look something like this:

> *The action area for the (name of your facility)'s stormwater discharges extends downstream from the outfall(s) in (name of receiving waterbody) (# of meters/feet/kilometers/miles). The downstream limit of the action area reflects the approximate distance at which the discharge waters and any pollutants would be expected to cause potential adverse effects to listed species and/or critical habitat because (insert rationale). The action area does/does not extend to the (name of receiving waterbody)'s confluence with (name of confluence waterbody) because (insert rationale).*

Note that you action area written description will be highly site-specific, depending on the expected effects of your facility's dishcarges and discharge-related activities, receiving waterbody characteristics, etc.

The action area for the Orogrande Processing Facility's stormwater discharges includes the approximately 4.2 acres of planned surface disturbances associated with the project. The stormwater management plan is designed to eliminate/minimize the potential for discharges through siting and implementation of various BMPs and therefore does not extend downstream from potential receiving waters. The project area and associated disturbances are relatively small and located on a ridgeline away from surface waters (a drainage with an unnamed ephemeral or intermittent stream is located approximately 150 feet north of the action area and the Red River is located approximately 700 feet south of the action area).

In addition to the BMPs designed to promote infiltration of stormwater, vegetated buffer zones will be maintained between the action area and surface waters to further reduce the potential for discharges. The buffer zones are generally vegetated with grasses, shrubs, and trees and would greatly reduce the potential for stormwater sediment load contributions.

Facilities associated with the flotation milling process and the dry stack tailings area will be located away from surface waters. Additionally, stormwater which comes into contact with the process area and tailings area will be diverted to on-site storage ponds and recirculated into the process plant as opposed to being managed the same as other stormwater on the site. Vehicle and/or equipment fueling and maintenance areas will be located near the process facilities and measures will be taken to prevent stormwater contact with these areas.

The project action area generated for the IPaC Trust Resource Report encompasses planned disturbance areas (including implementation of site-specific BMPs). The iPaC Trust Resource Report (dated May 22, 2018 and included with this Criterion C Eligibility worksheet package) indicated that there were no critical habitats for threatened or endangered species identified within the proposed project area.

A General Site Location figure and a Site Diagram are attached to this package as Exhibits A and B.

**Attachment 2**

List or attach the listed species and critical habitat in your action area on this sheet, as required in Step 3. You must include a list for applicable listed NMFS and FWS species and critical habitat. If there are listed species and/or critical habitat for only one Service, you must include a statement confirming there are no listed species and/or critical habitat for the other Service. For FWS species, include the full printout from your IPaC query. *Note: If your Official Species List from the USFWS indicated no species or critical habitat were present in your action area, include the full consultation tracking code at the top of your Official Species List in your NOI submittal in the question "Provide a brief summary of the basis for the criterion selected in Appendix E." If an Official Species List was not available on IPaC, list the contact date and name of the Service staff with whom you corresponded to identify the existence of any USFWS species or critical habitat present in your action area.*

Based on a review of information available on the NMFS websites listed in Step 3 of this form (http://www.nmfs.noaa.gov/pr/species/esa/ and http://www.nmfs.noaa.gov/pr/species/criticalhabitat.htm), the subbasin in which the action area is located (South Fork Clearwater River) is a critical habitat area for one threatened species: Snake River Basin Steelhead Trout (Oncorhynchus mykiss). Additionally, the action area is located within a critical habitat map for Chinook Salmon (Oncorhynchus tshawytscha), a threatened species, although the South Fork Clearwater subbasin was not specifically identified.

The IPaC Trust Resource Report generated for this project listed four threatened, endangered, or candidate species which could potentially exist on or near the action area: Canada Lynx (Lynx canadensis), North American Wolverine (Gulo gulo luscus), Bull Trout (Salvelinus confluentus), and Whitebark Pine (Pinus albicaulis). Critical habitat s were not identified within the action area. A copy of the IPaC Report (Consultation Code: 01EIFW00-2018-SLI-1301) is attached to this worksheet package.

As discussed in various sections of this Criterion C Eligibility Worksheet, it's unlikely that the project will adversely affect listed terrestrial or aquatic species and/or their critical habitat.

# Attachment A:

## Orogrande Processing Facility - Criterion C Eligibility Form Supporting Narrative

**Section IV, Part A - Discharge-Related Activities:**

The Orogrande Processing Facility will be a conventional flotation mill that will generate a gold concentrate to be shipped off-site for final treatment. The facility will consist of crushing, grinding, and flotation circuits. Much of the proposed project area was previously developed by the previous property owner as an aggregate mining operation (gravel pit), so has been previously disturbed. The planned construction activities will result in approximately 4.2 acres of disturbance and the completed facility's industrial activities exposed to stormwater will total less than 4.0 acres.

The primary disturbances associated with the construction portion of this project will include earthwork/grading associated with preparing the building pad/equipment areas, preparing the ore stockpile area, preparing the tailings disposal area, excavating the storage ponds, and making gravel road improvements. Once the facility is constructed and operational, there will be limited discharge-related activities associated with the processing activities. Ore will be trucked to the facility and placed in the ore stockpile area then fed into the crushing/grinding circuit prior to being reported to a series of flotation cells. Water from the process circuit will be recycled through the plant. Tailings will be disposed of at an on-site Dry Tailing Facility (DTF) via a dry stack tailings disposal method. Water from the DTF (from precipitation events, seasonal run-off, and/or release of entrained water) will be diverted to on-site storage ponds to be recirculated into the process plant as make-up water.

The SWPPP developed for this project is designed to eliminate/minimize the potential for discharges through siting and the implementation of various Best Management Practices (BMPs). The general project area is located atop a ridgeline away from stream/river corridors. Site stormwater management BMPs will include berms, ditches, swales, and other diversion and/or drainage/conveyance features meant to intercept/divert stormwater to areas where it can infiltrate and/or filter through naturally vegetated areas. Measures to reduce flow velocity and sediment load (check dams, outlet protections, etc…) will be implemented in conjunction with the aforementioned stormwater management BMPs. Additionally, filtration BMPs (silt fence, straw bales, and slash piles) will be strategically installed to further reduce sediment load in stormwater prior to it entering the vegetated buffer zones. Final stabilization measures (revegetation, erosion control matting, etc…) will be implemented on disturbed areas once initial construction activities have been completed.

The IPaC Trust Resource Report generated for this project (dated May 22, 2018 and included with this Criterion C Eligibility worksheet package) indicated that there were no critical habitats identified within the proposed project area. Furthermore, the disturbances related to the construction and operation of the facility are relatively small and are being completed in an area that was previously disturbed. Based on the above, it does not appear likely that discharge-related activities for this project would have adverse effects on listed species and/or their critical habitat.

**Section V, Part B – Analysis of Effects:**

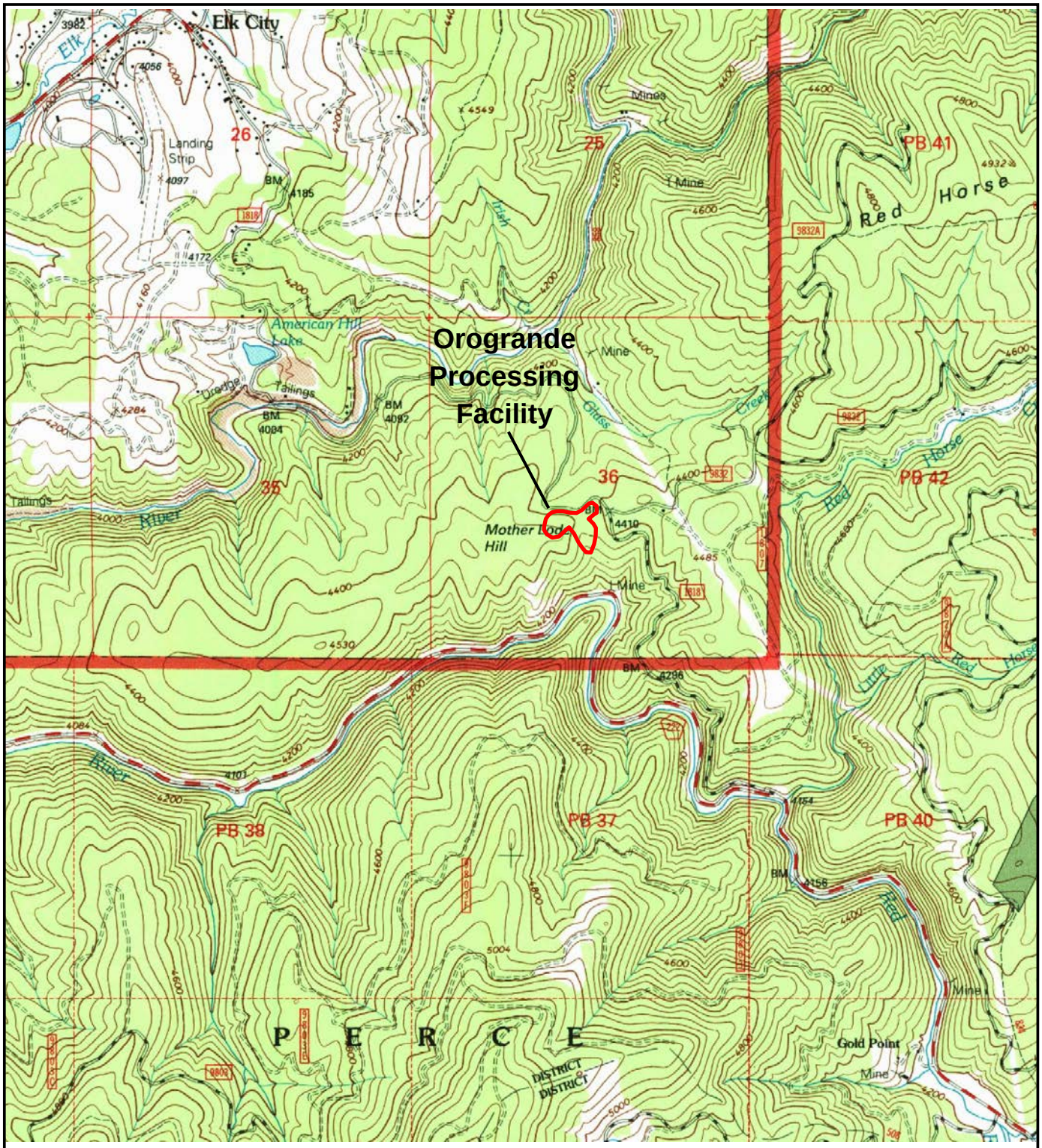
The proposed project is for a new facility, therefore there is no previous monitoring data.

The project area and associated disturbances are relatively small and located on a ridgeline away from surface waters (a drainage with an unnamed ephemeral or intermittent stream is located approximately 150 feet north of the project area and the Red River is located approximately 700 feet south of the project). In addition to the SWPPP being designed to minimize/eliminate the potential for a discharge via diversion and infiltration of stormwater run-off, vegetated buffer zones will be maintained between the project and surface waters to further reduce the potential for discharges or exceedances of benchmark parameters. The buffer zones are generally vegetated with grasses, shrubs, and trees and would greatly reduce the potential for stormwater sediment load contributions.

Site-specific BMPs will be implemented to limit exposure to run-on and/or precipitation at the process areas and DTF area, as stormwater that comes into contact with these areas will be managed separately than other stormwater on the facility (diverted to storage ponds to be recirculated into the process plant as make-up water).

In addition to the above measures, the typical climatic conditions at the project area also limit the opportunity for stormwater run-off. Seasonal conditions in the project area are typical for the central Idaho foothill areas and include cold/freezing temperatures and snow for most of the winter months and extended periods of very dry conditions from mid to late summer.

Based on the siting of the facility and the SWPPP design, it is unlikely that there will be discharges to surface waters from the site. If a discharge were to occur, BMPs associated with the SWPPP design should greatly reduce the likelihood for an exceedance of benchmark parameters. It is therefore unlikely that this project would adversely affect listed species or their critical habitat.




TOPOGRAPHIC MAP IMAGE COURTESY OF THE U.S. GEOLOGICAL SURVEY
QUADRANGLES INCLUDE: ELK CITY, IDAHO (1995).

**Key**

▭ = Approximate Action Area Boundaries

**Endomines**

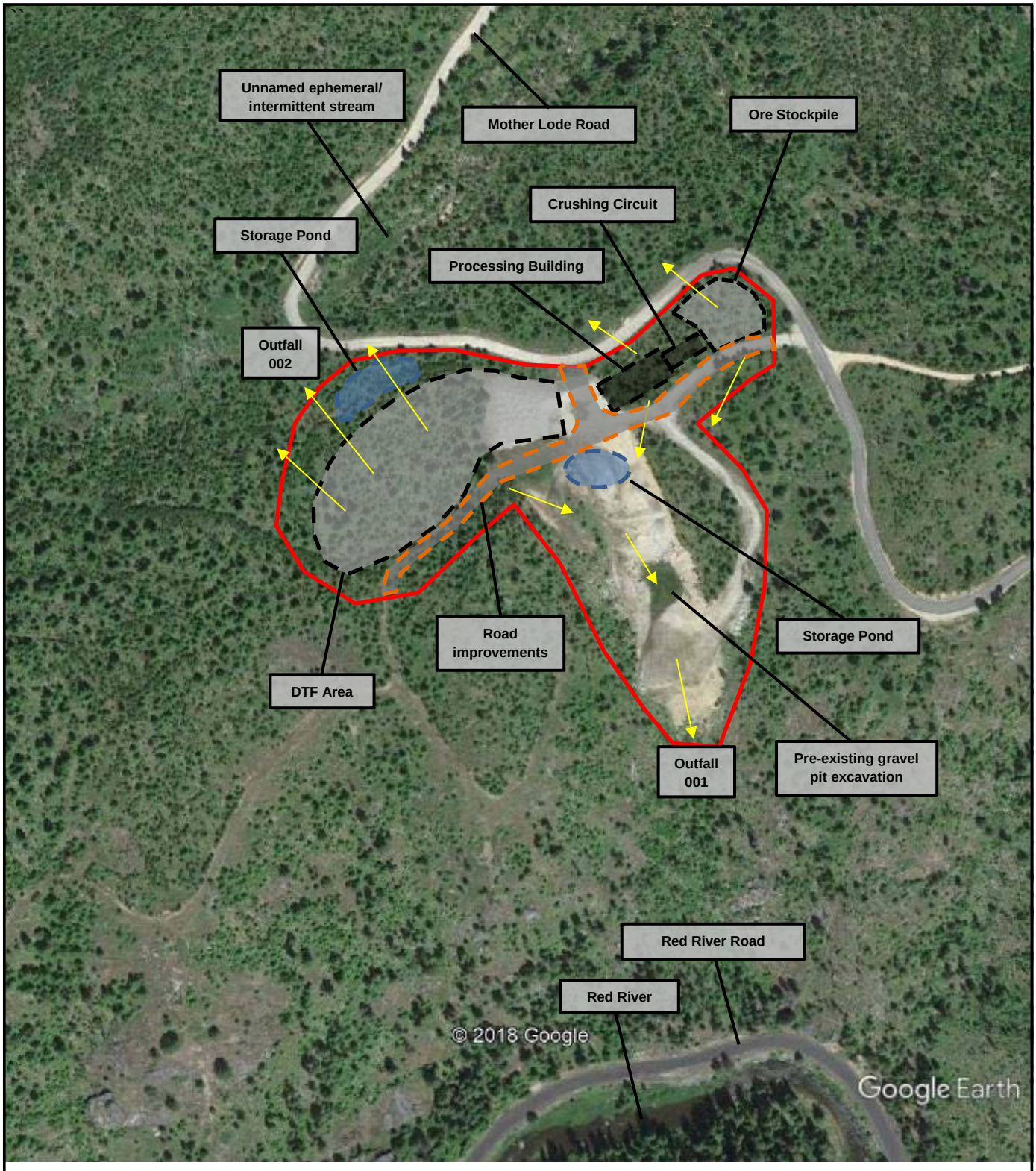
4135 Valley Commons Drive, Unit D
Bozeman, MT 59718

# DRAFT SWPPP
# GENERAL LOCATION MAP

Orogrande Processing Facility
**SW ¼, S36, T29N, R8E**
**Idaho County, Idaho**

Exhibit
A

| | |
|---|---|
| **Drawn By:** | ETH |
| **Scale:** | 1"=2,000' |
| **Date:** | April 2018 |
| **File Name:** | SWPPP Figs. |




AERIAL IMAGE COURTESY GOOGLE EARTH

**Key**

= Approximate Action Area Boundaries

= Site Features

= Estimated surface flow direction

Endomines
4135 Valley Commons Drive, Unit D
Bozeman, MT 59718

# DRAFT SWPPP SITE DIAGRAM

Orogrande Processing Facility
**SW ¼, S36, T29N, R8E**
**Idaho County, Idaho**

Exhibit
B

| | |
|---|---|
| Drawn By: | ETH |
| Scale: | NTS |
| Date: | May 2018 |
| File Name: | SWPPP Figs. |

# United States Department of the Interior

FISH AND WILDLIFE SERVICE
Idaho Fish And Wildlife Office
1387 South Vinnell Way, Suite 368
Boise, ID 83709-1657
Phone: (208) 378-5243 Fax: (208) 378-5262

In Reply Refer To:
Consultation Code: 01EIFW00-2018-SLI-1301
Event Code: 01EIFW00-2018-E-02753
Project Name: Orogrande Processing Facility

May 22, 2018

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

Please note: The IPaC module for producing a list of proposed and designated critical habitat is currently incomplete. At this time, we ask that you use the information given below to determine whether your action area falls within a county containing proposed/designated critical habitat for a specific species. If you find that your action falls within a listed county, use the associated links for that species to determine if your action area actually overlaps with the proposed or designated critical habitat.

**Canada Lynx (*Lynx canadensis*) -** *Designated February 24, 2009.*
Counties: Boundary County.

Federal Register Notice: http://www.gpo.gov/fdsys/pkg/FR-2009-02-25/pdf/E9-3512.pdf#page=1
Printable Maps:
http://www.fws.gov/mountain-prairie/species/mammals/lynx/criticalhabitat_files/

20081222_fedreg_unit3_draft.jpg
GIS Data: http://criticalhabitat.fws.gov/docs/crithab/zip/lunx_ch.zip
KML for Google Earth: (None Currently Available)

**Selkirk Mountains Woodland Caribou (*Rangifer tarandus Caribou*) -** *Proposed November 30, 2011.*
Counties: Bonner and Boundary Counties.

Federal Register Notice: http://www.fws.gov/idaho/home/2011-30451FINALR.pdf
Printable Maps: http://www.fws.gov/idaho/home/Map1_sub1_150.pdf
GIS Data: (None Currently Available)
KML for Google Earth: (None Currently Available)

**Bull Trout (*Salvelinus confluentus*) -** *Designated September 30, 2010.*
Counties: Adams, Benewah, Blaine, Boise, Bonner, Boundary, Butte, Camas, Clearwater, Custer, Elmore, Gem, Idaho, Kootenai, Lemhi, Lewis, Nez Perce, Owyhee, Shoshone, Valley, and Washington Counties.

Federal Register Notice: http://www.gpo.gov/fdsys/pkg/FR-2010-10-18/pdf/2010-25028.pdf#page=2
Printable Maps: http://www.fws.gov/pacific/bulltrout/CH2010_Maps.cfm#CHMaps
GIS Data: http://criticalhabitat.fws.gov/docs/crithab/zip/bulltrout.zip
KML for Google Earth: http://www.fws.gov/pacific/bulltrout/finalcrithab/BT_FCH_2010_KML.zip

**Kootenai River White Sturgeon (*Acipenser transmontanus*) -** *Designated July 9, 2008.*
Counties: Boundary County.

Federal Register Notice: http://www.gpo.gov/fdsys/pkg/FR-2008-07-09/pdf/E8-15134.pdf#page=1
Printable Maps: (None Currently Available)
GIS Data: http://criticalhabitat.fws.gov/docs/crithab/zip/fch_73fr39506_acit_2009.zip
KML for Google Earth: (None Currently Available)

**Slickspot Peppergrass (*Lepidium papilliferum*) -** Proposed May 10, 2011. Counties: Ada, Canyon, Elmore, Gem, Owyhee, and Payette Counties.

Federal Register Notice: http://www.gpo.gov/fdsys/pkg/FR-2011-10-26/pdf/2011-27727.pdf
Printable Maps: http://www.fws.gov/idaho/Lepidium.html
GIS Data: (None Currently Available)
KML for Google Earth: (None Currently Available)

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in

the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

# Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Idaho Fish And Wildlife Office**
1387 South Vinnell Way, Suite 368
Boise, ID 83709-1657
(208) 378-5243

# Project Summary

Consultation Code: 01EIFW00-2018-SLI-1301

Event Code: 01EIFW00-2018-E-02753

Project Name: Orogrande Processing Facility

Project Type: WATER QUALITY MODIFICATION

Project Description: The process facility is a conventional flotation mill that will generate a gold concentrate to be shipped off-site for final treatment. (MSGP)

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/45.805615374952644N115.4140418446444W

Counties: Idaho, ID

# Endangered Species Act Species

There is a total of 4 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Mammals

| NAME | STATUS |
|---|---|
| Canada Lynx *Lynx canadensis*<br>Population: Wherever Found in Contiguous U.S.<br>There is **final** critical habitat for this species. Your location is outside the critical habitat.<br>Species profile: https://ecos.fws.gov/ecp/species/3652 | Threatened |
| North American Wolverine *Gulo gulo luscus*<br>No critical habitat has been designated for this species.<br>Species profile: https://ecos.fws.gov/ecp/species/5123 | Proposed Threatened |

## Fishes

| NAME | STATUS |
|---|---|
| Bull Trout *Salvelinus confluentus*<br>Population: U.S.A., conterminous, lower 48 states<br>There is **final** critical habitat for this species. Your location is outside the critical habitat.<br>Species profile: https://ecos.fws.gov/ecp/species/8212 | Threatened |

## Conifers and Cycads

| NAME | STATUS |
| --- | --- |
| Whitebark Pine *Pinus albicaulis*<br>No critical habitat has been designated for this species.<br>Species profile: https://ecos.fws.gov/ecp/species/1748 | Candidate |

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.